

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

VINCENZO MAZZAMUTO,
Plaintiff,

v.

UNUM PROVIDENT CORPORATION;
PAUL REVERE LIFE INSURANCE
COMPANY; and NEW YORK LIFE
INSURANCE COMPANY

Defendants

CIVIL ACTION – LAW

NO. 1:CV-01-1157

JUDGE CONNER

JURY TRIAL DEMANDED

**PLAINTIFF'S REPLY BRIEF TO DEFENDANTS'
MEMORANDUM OF LAW IN OPPOSITION TO
PLAINTIFF'S MOTION FOR RECONSIDERATION
OF THE COURT'S SUMMARY JUDGMENT ORDER**

Defendants' memorandum of law in opposition to Plaintiff's Motion for Reconsideration to the Court's summary judgment order largely argues that the court should deny reconsideration because there is no newly discovered evidence and no manifest error.

Plaintiff respectfully suggests that the legal authorities cited in Plaintiff's motion and brief in support of Plaintiff's request for reconsideration to provide legal bases for this Court to reverse itself for an error of law. Moreover, the court may modify its order at any time until termination of the suit by the entry of a final judgment, Rule 56(d) of the Federal Rules of Civil Procedure, especially where denial of relief would result in a manifest injustice, Rule 60 of the

Federal Rules of Civil Procedure; Vol. 27A, Lawyers Edition, Federal Procedure, § 62:756 (1996).

Plaintiff respectfully suggests that it has presented adequate bases for the Court to reconsider and reverse its earlier order granting Defendants' motion for summary judgment as to Plaintiff's bad faith claim.

Respectfully submitted,

ANGINO & ROVNER, P.C.

s/ Richard C. Angino

Richard C. Angino, Esquire
I.D. No. PA07140
Joan L. Stehulak, Esquire
I.D. No. PA29496
4503 N. Front Street
Harrisburg, PA 17110
(717) 238-6791
Attorney for Plaintiff

Date: April 16, 2003

CERTIFICATE OF SERVICE

I, Richard C. Angino, Esquire, hereby certify that a true and correct copy of the foregoing **PLAINTIFF'S REPLY BRIEF TO DEFENDANTS' MEMORANDUM OF LAW IN OPPOSITION TO PLAINTIFF'S MOTION FOR RECONSIDERATION OF THE COURT'S SUMMARY JUDGMENT ORDER** was served by United States first-class mail, postage prepaid, upon the following:

E. Thomas Henefer, Esquire
Stevens & Lee
111 North Sixth Street
P. O. Box 679
Reading, PA 19603-0679

Counsel for Paul Revere Life Insurance Company and New York Life Insurance Company

s/ Richard C. Angino

Dated: April 16, 2003